

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Dario Manon

v.

Case No. 11-cv-383-PB

United States of America

ORDER

Re: Document No. 1, Motion to Vacate Sentence - 2255

Ruling: The defendant's motion seeks a resentencing. The government notes that the sentence the defendant received was within the guideline range even if my determination that the defendant was a career offender was incorrect. Thus, it is by no means clear that the defendant would benefit from resentencing even if I were to correct the claimed error. The defendant shall file a supplemental brief within 14 days, with citations to the sentencing hearing transcript, explaining why the defendant should receive a lower sentence if I were to determine that I erred in classifying him as a career offender. The government shall file a response to the defendant's brief within 14 days thereafter. I will only rule on the merits of the motion if I determine that a positive ruling could affect the defendant's sentence.

Date: March 12, 2012

/s/ Paul Barbadoro  
Paul Barbadoro  
US District Judge

cc: Counsel of Record